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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,761	03/31/2005	Roland Gries	SPM-386-A	3410

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EXAMINER

BEAUCHAINE, MARK J

ART UNIT PAPER NUMBER

3653

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/524,761

Applicant(s)

GRIESE ET AL.

Examiner

Mark J. Beauchaine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant's specification fails to disclose the switching arm as being releasably connected to the pendulum. In fact, the switching arm/pendulum configuration disclosed by the Applicant is depicted as being an integral unit (see Figures 4-6).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "in a fixed association" (line 4) is ambiguous since it is unclear what element the switching arm is in fixed association with.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 4,298,116 by Niemeyer ("Niemeyer") in view of Patent Number 5,777,302 by Nakagawa et al ("Nakagawa"). The coin validator disclosed by Niemeyer has thread sensor 10 disposed in the region of coin insertion channel 17, and coin validating device 12.

The thread sensor has first tothing 25 disposed on a stationary part of the coin insertion channel, and second tothing 23 disposed on pendulum 20 having pivotal movement about a pivot point, said tothing being disengaged upon insertion of a coin. Said thread sensor further has switching arm 26 which is in operational connection with the pendulum and emits a signal to the coin validating device upon insertion of a coin. the switching arm pivots in the same direction as the second tothing. Furthermore, the switching arm includes receiving projections 21 on the side remote from the second tothing.

The pendulum forms part of the coin insertion channel and is a component of coin insertion funnel 17 which forms a form-fitting connection with the housing. The pivot point of the pendulum is laterally offset to the first and second tothings in such a

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manner that the second toothing, in the insertion direction of the coin, becomes disengaged from the first toothing downwardly in an arc-shape wherein the switching arm is disposed exterior to the coin insertion channel.

The switching arm interacts with optical switching device 30 which has a light transmitter and light receiver. The switching arm acts on light emitted from the light transmitter. The light transmitter and light receiver are disposed next to each other on chip/circuit board 30 which is securely connected to the apparatus housing (see Figure 5) and form a reflection coupler. Furthermore, the switching arm, in its inoperative state, is positioned opposite the reflection coupler in a fixed association therewith.

Niemeyer fails to disclose the pendulum 20 as being detachable connected to the housing of the coin validator and releasably connected to the switching arm. Nakagawa teaches a coin chute incorporating detachable wearing part 4 that makes up a portion of coin insertion chute 1 for the purpose of replacing wearing parts that are no longer serviceable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate wearing part of Nakagawa into the coin validator of Niemeyer to provide an effective means of replacing wearing parts that are no longer serviceable.

### ***Response to Arguments***

Applicant's arguments filed 8 September 2006 have been fully considered but they are not persuasive. The Applicant's remarks (page 4, lines 3-16) fail to address

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the rejection of claim 3 under 35 USC 112, second paragraph. Accordingly, said rejection stands as explained above.

The Applicant's remarks regarding a "releasably connected switching arm" (page 4, line 26 through page 5, line 2) address a configuration not addressed in the Applicant's disclosure. Accordingly, said configuration constitutes new matter.

The Applicant's remarks regarding the motivation of incorporating the replaceable component configuration of Nakagawa into the apparatus of Neimeyer (page 5, lines 2-26) address intended use of the apparatus which is irrelevant to the motivation of incorporating wearing components into the apparatus Niemeyer.

### ***Conclusion***

Claims 1-6, 8 and 9 stand rejected. Claim 7 has been canceled by the Applicant. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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